

EXHIBIT "G"

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

SOM N. TIMSINA, an Individual,)
BHAKTI R. ADHIKARI, an Individual,)
CENTRAL MARKET WINOOSKI, LLC, a)
Vermont Limited Liability Company,)
Plaintiffs,) NO. 2:17-cv-00126
v.)
UNITED STATES OF AMERICA,)
Defendant.)

**PLAINTIFFS' SUPPLEMENTAL AFFIDAVIT IN SUPPORT OF PLAINTIFFS'
SUPPLEMENTAL RESPONSE IN OPPOSITION TO GOVERNMENT'S
MOTION FOR SUMMARY JUDGMENT**

Plaintiff, SOM N. TIMSINA, a natural person, hereby swears and affirms that the following statements are true and accurate to the best of her knowledge and belief.

1. Plaintiff, SOM N. TIMSINA, is an owner and manager of CENTRAL MARKET WINOOSKI, LLC (hereinafter "Central Market").
2. Central Market is a small retail food store located in Winooski, Vermont that accepts Supplemental Nutrition Assistance Program (SNAP) benefits.
3. As part of my store's participation in SNAP, the owners of this store are the only ones who process EBT (Electronic Benefit Transfer) transactions. All owners have reviewed the EBT training materials and are well versed in the regulations and specifically separate eligible and ineligible items when they are presented for purchase, then we process the EBT transaction and the ineligible item transaction separately.
4. From July 2015 through December 2015 (a six-month time span), all owners of the store were all aware of the rules, and were in the habit of routinely separating transactions into "eligible" and "ineligible" piles.

5. It is our policy that no violations of the SNAP regulations will be permitted in our store. Accordingly, the owners are careful to comply with the regulations.
6. It is our policy, as reflected in the exhibits, to refuse to sell ineligible items on SNAP.
7. It is our policy, to refuse cash back on SNAP.
8. It is impossible for me to address the allegations that are set forth in Attachments 1, 2, 3 and 4 of the Department's Charging Letter, as the Defendant has refused to identify any other information against which we could rebut the allegations.
9. I have been present for numerous EBT transactions at the store, and have personally observed the process described herein above.
10. I am very familiar with Central Market's inventory. A partial list of our inventory items was provided to the Government during discovery. However, additional items that were in the store (as noted/photographed in the on-site inspections) but errantly excluded from our original inventory list include the following (an updated list is attached hereto):
 - a. Items sold at Central Market for \$11.00 are:
 - i. Dehradun Basmati Rice-10 lb. [03/05/16 Store Visit, Section D, AR 118]; and
 - ii. Mango Footi Box.
 - b. Items sold at Central Market for \$17.00 are:
 - i. Parboiled Armatic Khatribhog rice-20 lb. [03/05/16 Store Visit, Section D, AR 118; Photo of rice bags AR 23, 52, 54, 67, 85, 89, 523, 524, 545];
 - ii. Tomato Box-25 lb. [03/05/16 Store Visit, Section D, AR 118]
 - c. Items sold at Central Market for \$20.00 are:

- i. Sela Basmati Rice-20 lb. [03/05/16 Store Visit, Section D, AR 118; Photo of rice bags AR 23, 52, 54, 67, 85, 89, 523, 524, 545];
- ii. Coconut box; and
- iii. Rubicon mango box.

d. Items sold at Central Market for \$21.00 are:

- i. Kings Regal Paraboiled Basmati rice [03/05/16 Store Visit, Section D, AR 118; Photo of rice bags AR 23, 52, 54, 67, 85, 89, 523, 524, 545]; and
- ii. Green Banana box [AR 30]

11. As part of running Central Market, I was primarily responsible for making business decisions for the store pertaining to the acquisition and pricing of food, packaging of eligible items, and overseeing the operation of the Electronic Benefits Transfer (EBT) system. As such, I have an intimate knowledge of the business' operations and transactions.

12. At my direction, Central Market offered imported ethnic foods focusing mostly on Asian goods, (rice, lentil, spices, green vegetables).

13. Some (if not most) of these ethnic foods are not typically available at other local SNAP retailers, or major grocery stores, let alone combination/other stores. I have visited CVS, Walgreens, Rite Aid, Kinney Drugs, Family Dollar, Dollar General and Dollar Tree. None of these stores offer inventory like ours and instead appear to carry more ineligible items than groceries. In my experience, none of the clerks of these stores have spoken any South Asian Languages.

14. The vast majority of Central Market's business comes from these customers, and as such, much of the store's business is EBT driven.

15. Because Central Market specialized in these foods, our customers included SNAP participants from all over the Winooski, Vermont area. Participants would regularly skip local big brand stores and shop at my store because of our selection.
16. Much of our advertising to SNAP participants was word-of-mouth. When participants were happy with our selection, they would tell their neighbors and friends, who would also come to the store.
17. However, because our SNAP participant clients wanted to make several trips to our store (either because of distance or convenience), they make numerous purchases in a day, and also make bulk purchases of foods from my store, usually near the beginning of the month when they received their benefits.
18. At no time did I, or any other owner, or any other person associated with my store commit trafficking. The transactions that are listed by the Defendant in its charging letter are legitimate purchases of eligible items, nearly all of which can be reproduced when looking through my store's inventory.
19. Furthermore, the representations I made in my response to the Charging Letter and the subsequent Administrative Appeal are true and accurate to the best of my knowledge, or were true and accurate to the best of my knowledge at the time I made them.

Further the Affiant sayeth not.

[Signature Page Follows]

Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true and accurate to the best of my knowledge.



SOM N. TIMSINA

DATED: